

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. No new matter has been added.

35 U.S.C. § 112

Claims 80 and 82 stand rejected under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are respectfully traversed. Notwithstanding, claims 80 and 82 have been canceled making these rejections moot.

35 U.S.C. § 103

Claims 80-82 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U. S. Patent No. 6,085,220 to Courts et al., in view of U.S. Patent No. 6,466,971 to Humpleman et al., in view of U. S. Patent No. 6,157,940 to Marullo et al. Claim 83 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U. S. Patent Publication No. 2002/0138449 by Kendall et al., in view of U.S. Patent No. 6,687,873 to Ballantyne et al. These rejections are respectfully traversed.

In order to expedite the allowance of the current application, claims 80-82 have been canceled. The current application claims priority to U.S. Pat. App. Ser. No. 60/239,858, which has a filing date of October 11, 2000. It is noted that Kendall has a filing date of March 22, 2001 which is after the priority date of the current application. The '858 patent application provides an exhaustive overview of a decision engine and application generator that enables business users to create, configure, test, and deploy decision strategies (see, *inter alia*, page 2 of the '858

specification). In particular, the subject matter that is described allows for the ability to continually target and adjust decision making in response to changing market criteria and indicators; customize input and output data structures to match the data available in processing environments; utilize custom characteristics including multi-level scoring; create complex strategies using an unlimited number of decision variables and define an unlimited number of paths; automate decision making across multiple decision areas; and implement multiple models within a single decision process, such as risk, retention, and customer behavior (see, *inter alia*, page 2 of the '858 specification).

Unfortunately, it appears that Kendall was first cited in the office action of August 27, 2004 and that prolonged prosecution regarding this and other references has continued since that time. Kendall does not appear to be a valid reference and so it is respectfully submitted that the current rejection of claim 83 as well as previous rejections of claims using the Kendall reference were improper.

Applicant respectfully requests that claim 83 be allowed. In addition, Applicant respectfully requests the opportunity to reintroduce claims previously rejected in light of Kendall if claim 83 is indicated as being allowable.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be

construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant asks that all claims be allowed.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. Applicants are concurrently filing herewith a Petition for a one month extension of time with the requisite fee. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 35006-629001US.

Respectfully submitted,



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